

**REMARKS**

The following is intended as a full and complete response to the Office Action dated March 3, 2006, having a shortened statutory period for response set to expire on June 3, 2006.

Claims 1, 3-6, 8-32, 34-37, 39-55 and 57 are pending in the application. Claims 2, 7, 33, 38, 55 and 58-62 are canceled. Claims 1, 32, 55 and 57 have been amended. Reconsideration and allowance of the claims is requested for the reasons discussed below.

***Claim Rejections - 35 U.S.C. § 101***

Claims 1, 3-6, 8-32, 34-37, 39-55 and 57 are rejected under 35 U.S.C. § 101 because the Examiner asserts these claims are directed to non-statutory subject matter.

On June 6, 2006, Jon K. Stewart Applicant's representative, and Examiner Brier held a telephone conference. The parties discussed the present rejection. The parties also discussed proposed amendments to claims 1, 32, 55 and 57. Examiner and Applicant's representative agreed that the proposed amendments should resolve the rejection under 35 U.S.C. § 101.

Thus, Applicant believes that the amendments made by this response address the 35 U.S.C. § 101 rejection and that claims 1, 32, 55, and the claims dependent therefrom are in condition for allowance. Accordingly, Applicant respectfully requests allowance of same.

Regarding claim 57, Applicant respectfully traverses the rejection. Claim 57 recites a means-plus-function claim. Under 35 U.S.C. § 112, para. 6:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

Under this paragraph, claim 57 "shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." Based on this language, claim 57 cannot be construed to cover non-statutory subject-matter directed to "carrier wave signals" as suggested by the Examiner. See *Office Action*, p.2. Instead, claim 57 can only cover statutory embodiments based on the "corresponding structure ... described in the specification

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and equivalents thereof.” See Applicant’s specification at 8:17-25, 8:27-65 – 9:1-4, and 10:15-17 for a description of “structure, material or acts” that provide support for this claim. Thus, for the foregoing reasons, Applicant respectfully request, that the 35 U.S.C. § 101 rejection of claim 57 be withdrawn.

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**CONCLUSION**

Based on the above remarks, Applicant believes that he has overcome all of the rejections and objections set forth and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,



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